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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,866	01/29/2001	John A. Landry	H052617.1030US0	7783

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

8

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,866

Applicant(s)

LANDRY ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to Amendment A, filed 04/02/04.
2. Claims 1-27 are pending in this application. Claims 1, 12, and 21 are independent claims. In the Amendment A, claims 1-6, 12, 18, and 21 are amended. This action is made non-final.

Claim Rejections - 35 USC § 112

3. Claims 1-6, 12-20, and 21-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “a display panel to display the plurality of operating condition messages independently of the operating system” is unclear because the operating system as claimed must be used to display alert or condition messages on the display screen. There is no way that the display monitor can be operated itself to display the messages without any help from the operating system. Examiner will interpret that the claim language to mean displaying only the alert and condition messages of the system hardware related problems but not the software operating system related problems when rejecting claims 1, 12, and 21.

Similar problems can be found in claims 12 and 21. All other dependent claims are also rejected because of their dependency.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-14, 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Calder (U.S. Patent No. 5,984,502).

As to claims 1 and 21, Calder teaches a computing system, comprising:

an operating system (operating system, col. 6 lines 28-40);

main processor to run the operating system (processors, col. 6 lines 16-40);

a system monitor coupled to the main processor (workstation 12, col. 6 lines 41-56); and

a user feedback mechanism to monitor a plurality of operating conditions of

the computing system and to alert a user of the computing system to the plurality

of operating conditions (alert conditions, col. 2 lines 35-65, col. 12 lines 18-45,

and figs. 3-5, and 7), wherein the user feedback mechanism comprises a display

panel to display the plurality of operating condition messages independently of

the operating system (hardware related problems, figs. 3-5A-B, and 7; col. 7 lines

39-65, and col. 8 lines 29-53).

As to claims 3 and 22, Calder teaches the computing system of claim 21, the user feedback mechanism further comprising:

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a controller coupled to the display panel to monitor a plurality of operating condition signals corresponding to the plurality of operating conditions and to communicate the plurality of operating conditions to the display panel independently of the operating system (col. 2 lines 35-65, col. 7 lines 39-65, and col. 8 lines 29-53, col. 12 lines 18-45, and figs. 3-5A-B, and 7).

As to claim 4, Calder teaches the computing system of claim 3, the user feedback mechanism further comprising:

a display panel interface driver to pass the plurality of operating conditions to the controller (figs. 3-5A-B, and 7, col. 7 lines 39-65, and col. 8 lines 29-53).

As to claim 5, Calder teaches the computing system of claim 21, the user feedback mechanism further comprising:

a display panel interface coupled to the display panel for an application to communicate with the display panel (several software components, col. 6 line 40-col. 7 line 8).

As to claim 5, Calder teaches the computing system of claim 21, wherein the display panel displays a plurality of instructions to the user for the user to cure the plurality of operating conditions (col. 3 lines 24-67).

As to claim 7, Calder teaches the computing system of claim 1, wherein the user feedback mechanism monitors an operating condition of the plurality of operating conditions after system initialization by processing data from the operating system into a more meaningful form (changing colors and priority, col. 3 lines 24-67, col. 10 lines 5-33, and figs. 4 and 7).

As to claim 8, Calder teaches the computing system of claim 1, the user feedback mechanism comprising:

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system BIOS to monitor the plurality of operating conditions during system initialization of the computing system by bypassing the operating system (workstation 12 can be used to control the industrial process, col. 6 lines 40-65).

As to claim 9, Calder teaches the computing system of claim 8, wherein the plurality of operating conditions comprises a plurality of primary device states for a plurality of primary devices of the computing system (priority, col. 3 lines 24-67, col. 10 lines 5-33, and figs. 4 and 7).

As to claim 10, Calder teaches the computing system of claim 1, the user feedback mechanism comprising: a safety button configured to signal a power supply to power off the computing system if the computing system is not powered off by the operating system (workstation 12 can be used to control the industrial process, col. 6 lines 40-65).

As to claim 11, Calder teaches the computing system of claim 1, the user feedback mechanism comprising: a plurality of fault tolerant client software components to monitor the plurality of operating conditions after system initialization of the computing system (col. 8 lines 28-65).

As to claims 12-14, they are method claims of system claims 1, 11 and 10. Note the rejections of claims 1, 11-10 above respectively.

As to claim 16, Calder teaches the method of claim 12, the monitoring step comprising the step of: monitoring a state of a peripheral device of the computing system (col. 4 lines 1-37).

As to claim 17, Calder inherently shows the method of claim 12, the monitoring step comprising the step of: monitoring an e-mail notification message to the computing system

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because Windows NT can be used on KAGUI (col. 6 lines 28-40) which means Email (Microsoft Outlook) is standard on Windows NT.

As to claim 18, Calder teaches the method of claim 12, the monitoring step comprising the step of: monitoring atomic time from a network server coupled to the computing system (server, col. 5 lines 6-10).

As to claims 19-20, they are method claims of system claims 7-8. Note the rejections of claims 7-8 above respectively.

As to claim 23-24, they are similar in scope to claims 13 and 10; therefore, rejected under similar rationale as claims 13 and 10 above.

As to claim 25, Calder teaches the computing system of claim 21, wherein the plurality of operating conditions are readable by an application (changing colors and priority, col. 3 lines 24-67, col. 10 lines 5-33, and figs. 4 and 7).

As to claims 26-27, they are similar in scope to claims 7-8; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calder (U.S. Patent No. 5,984,502) in view of Hawkins et al. (U.S. 6,304,244 B1).

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As to claim 2, Calder does not teach the display panel comprising a liquid crystal display (LCD) panel. Hawkins clearly teaches using LCD (col. 4 lines 3-59). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to use the LCD of Hawkins in the KAGUI of Calder to improve space because of the portable/compact size of the LCD (col. 4 lines 53-55).

As to claim 15, Calder does not teaches the step of monitoring a connection state of the computing system to the Internet. Hawkins clearly teaches the Internet (col. 3 lines 60-67). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to be able to use the Internet connection of Hawkins in the KAGUI of Calder to provide to the users a convenient way to get information worldwide from the Internet.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

06/22/04

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